

2013 SEP - 6 AM
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|-----------------|---|------------------------|
| ANTOINE TUGGLE, |) | CASE NO. 3:11 CV 467 |
| |) | |
| Petitioner, |) | JUDGE DONALD C. NUGENT |
| |) | |
| v. |) | |
| |) | <u>JUDGMENT ORDER</u> |
| KEITH SMITH |) | |
| |) | |
| Respondent. |) | |

For the reasons set forth in the Court's Order Adopting Magistrate Baughman's Report and Recommendation, Petitioner, Antoine Tuggle's petition for habeas corpus (ECF #12) is hereby DENIED IN PART AND DISMISSED IN PART. The case is dismissed with prejudice. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: September 5, 2013